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BEFORE THE ARIZONA CORPORATION COMMISSION

Arizona Corporation Commission

COMMISSIONERS

2013 SEP 18 P 2:44

DOCKETED

BOB STUMP - Chairman  
GARY PIERCE  
BRENDA BURNS  
BOB BURNS  
SUSAN BITTER SMITH

ARIZONA CORP COMMISSION  
DOCKET CONTROL

SEP 18 2013

DOCKETED BY

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IN THE MATTER OF THE APPLICATION OF  
TNCI OPERATING COMPANY LLC FOR  
APPROVAL OF A CERTIFICATE OF  
CONVENIENCE AND NECESSITY TO  
PROVIDE FACILITIES-BASED AND  
RESOLD LOCAL EXCHANGE; FACILITIES-  
BASED AND RESOLD LONG DISTANCE;  
SWITCHED ACCESS; AND PRIVATE LINE  
TELECOMMUNICATION SERVICES IN  
ARIZONA.

DOCKET NO. T-20882A-13-0108

**PROCEDURAL ORDER**  
**(Granting Request)**

**BY THE COMMISSION:**

On April 16, 2013, TNCI Operating Company LLC ("TNCI" or the "Company") filed with the Arizona Corporation Commission ("Commission") an application for approval of a Certificate of Convenience and Necessity ("CC&N") to provide facilities-based and resold local exchange; facilities-based and resold long distance; switched access; and private line telecommunication services in the State of Arizona. TNCI's application also requests a determination that its proposed services are competitive in Arizona.

On June 14, 2013, the Company filed an amendment to its application.

On August 9, 2013, the Commission's Utilities Division ("Staff") filed a Staff Report recommending approval of TNCI's application, subject to certain conditions.

On August 12, 2013, TNCI filed a Request for Waiver and/or Expedited Treatment ("Request"). The Request stated that TNCI needed expedited treatment of its application in order to complete a transaction through which TNCI would acquire the estate of Trans National Communications International, Inc. ("TNCI-DIP") in a bankruptcy sale. As part of the bankruptcy sale, TNCI-DIP's customer accounts and accounts would be transferred to TNCI. TNCI stated that expedited treatment of its application is needed so that Arizona customers will not be harmed by

1 TNCI-DIP's bankrupt status.

2 On August 15, 2013, a Procedural Order was issued setting this matter for hearing on  
3 September 23, 2013, and establishing other procedural deadlines.

4 On August 30, 2013, TNCI filed Notice of Filing Affidavit of Publication.

5 On September 16, 2013, TNCI filed a Request to Allow Witness to Appear Telephonically  
6 ("Request"), stating that Mr. Jeff Compton, president and chief executive officer of TNCI, is  
7 scheduled to attend a conference in Florida on the date of the hearing and therefore is unable to attend  
8 the hearing in person. The Request also states that given the proposed asset acquisitions by TNCI of  
9 TNCI-DIP (Docket Nos. T-20882A-13-0114 and T-03975A-13-0114) and Pac-West Telecomm, Inc.  
10 (Docket Nos. T-20882A-13-0262 and T-03693A-13-0262), Mr. Compton is working diligently to  
11 address underlying carrier contracts for the acquired assets. Mr. Compton expects that many of the  
12 underlying carriers will be in attendance at the conference. Further, TNCI states that Staff has no  
13 objection to the Request.

14 Given the unique circumstances described herein, it is reasonable to grant TNCI's request for  
15 Mr. Compton to appear telephonically for the hearing in this matter.

16 **IT IS THEREFORE ORDERED that TNCI's request to allow its witness Mr. Jeff**  
17 **Compton, to appear telephonically for the hearing scheduled in this matter is hereby granted.**

18 **IT IS FURTHER ORDERED that on the date of and at least five minutes before the time**  
19 **set for the hearing, TNCI's witness shall call 602-542-0659, from a landline telephone, to**  
20 **participate telephonically in the hearing.**

21 **IT IS FURTHER ORDERED that all parties must comply with Arizona Supreme Court Rules**  
22 **31, 38, and 42 and A.R.S. § 40-243 with respect to practice of law in Arizona and before the**  
23 **Commission and admission *pro hac vice*.**

24 **IT IS FURTHER ORDERED that withdrawal of representation must be made in compliance**  
25 **with A.A.C. R14-3-104(E) and Rule 1.16 of the Rules of Professional Conduct (under Arizona**  
26 **Supreme Court Rule 42). Representation before the Commission includes appearance at all hearings**  
27 **and procedural conferences, as well as all Open Meetings for which the matter is scheduled for**  
28 **discussion, unless counsel has previously been granted permission to withdraw by the Administrative**

1 Law Judge or the Commission.

2 IT IS FURTHER ORDERED that the Ex Parte Rule (A.A.C. R14-3-113 - Unauthorized  
3 Communications) continues to apply to this proceeding and shall remain in effect until the  
4 Commission's Decision in this matter is final and non-appealable.

5 IT IS FURTHER ORDERED that the Administrative Law Judge may rescind, alter, amend,  
6 or waive any portion of this Procedural Order either by subsequent Procedural Order or by ruling at  
7 hearing.

8 Dated this 18<sup>th</sup> day of September, 2013.

9  
10   
11 YVETTE B. KINSEY  
12 ADMINISTRATIVE LAW JUDGE  
13

14 Copies of the foregoing mailed/delivered  
this 10<sup>th</sup> day of September, 2013 to:

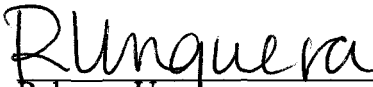
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